



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,460	04/24/2001	Yervant D. Lepejian	HEUR-017	5366

7590 11/12/2004
WILLIAM P. WILBAR
SIERRA PATENT GROUP, LTD
P.O. BOX 6149
STATE LINE, NV 89449

EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT PAPER NUMBER

2122

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,460

Applicant(s)

LEPEJIAN ET AL.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed August 27, 2004.
2. Per Applicants' request, claims 1, 17 and 68 have been amended.
3. Claims 1-83 remain pending.

Response to Arguments

4. Applicant's arguments with respect to claims 1-83 have been considered.
In particular, Applicants have argued the following:

The Examiner has failed to provide a single reference that teaches all of the elements to claims 1-83 instead the examiner has cited at least two references with no specified number of references as etc. is ambiguous to exactly what the Examiner is using to reject the claims.

In response, the Examiner notes that the previous rejection of claims 1-83 was based on the Heuristic Physics Laboratories, Inc.'s software development tool package. Heuristic Physics Laboratories, Inc.'s software development tool package provides more than just one users' manual. Because WorkflowView™, Users Guide and Conditional Execution Engine, User Manual are part of a single source which is the software development tool package, the Examiner considered it appropriate to reject claims 1-83 under 35 U.S.C. § 102(b) as being anticipated by this single source.

In view of this interpretation, the rejection was considered proper. However, per Applicants' request, new grounds of rejection have been made and the action not made final so Applicants have a chance to respond to the new rejections.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-13, 15, 17-30, 32, 36-45, 47, 50-62, 63, 66, 70-80, 82 are rejected under 35 U.S.C. 102(b) as being anticipated by Heuristic Physics Laboratories, Inc.'s WorkflowView™, Users Guide.

Claims 1, 17 and 20

HPL's WorkflowView™, Users Guide discloses at least:

means for displaying a workspace on a computer screen (see at least WorkflowView™, Users Guide, Figure 3-1 and related discussion in the Users Guide); *and*

means for displaying a plurality of objects on said computer screen individually selectable to be placed and coupled together in said workspace to define a workflow for a user interactive program, wherein at least one of said plurality of objects has at least one interactively alterable operation parameter during execution of said user interactive program (WorkflowView™, Users Guide, Figure 3-1 and related discussion in the Users Guide).

HPL's WorkflowView™, Users Guide further discloses *and wherein said interactively alterable operation parameter provides a parameter for data extraction for use in said user interactive program* (see at least Figures 1-1, 5-4 "Path to Field", WorkflowView™, Users Guide).

Claims 2 and 18

The rejection of base claims 1 and 17 is incorporated. HPL further discloses *means for developing a user interactive program such that at least one properties page including at least one interactively alterable operation parameter is displayable to a user prior to execution of said*

user interactive program (see at least Figure 5-2: Example of Display Properties Page Window; WorkflowView™, Users Guide, section 5.1.1).

Claims 3 and 19

The rejection of base claims 1 and 17 and intervening claims 2 and 18 is incorporated. HPL further discloses *wherein said at least one properties page includes a properties page for each object having at least one interactively alterable operation parameter* (see at least Figure 5-2: Example of Display Properties Page Window; WorkflowView™, Users Guide, section 5.1.1).

Claims 4, 21, 36, 53 and 70

The rejection of base claims and intervening claims is incorporated. HPL further discloses *wherein one of said plurality of objects is a first input object for extracting first specified data from a first selected database* (see at least Figures 1-1, 5-4 “Path to Field”, WorkflowView™, Users Guide).

Claims 5, 22, 37, 54 and 71

The rejection of base claims and intervening claims is incorporated. HPL further discloses *wherein another one of said plurality of objects is a second input object for extracting second specified data from a second selected database having a different schema than said first selected database* (see at least Figures 1-1, 5-4; WorkflowView™, Users Guide).

Claims 6, 23, 38, 55 and 72

The rejection of base claims and intervening claims is incorporated. HPL further discloses *means for developing a user interactive program, such that at least one properties page including an interactively alterable switch function for directing data flow from said first and*

second input objects to a remainder of said workflow is displayable to a user prior to execution of said user interactive program (see at least Figure 4-6, WorkflowView™, Users Guide; Figure 20-3, Switch Engine, User Manual).

Claims 7, 24, 39, 56 and 73

The rejection of base claims is incorporated. HPL further discloses *wherein one of said plurality of objects is an output object programmable to store output data in a specified output file* (see at least sections 4.1.3, 4.1.4 – NOTE: –, WorkflowView™, Users Guide).

Claims 8, 11, 25, 28, 40, 43, 57, 60, 74 and 77

The rejection of base claims and intervening claims is incorporated. HPL further discloses *wherein said specified output file resides on a remote computer* (see at least Figure 1-1 “Metadatabase”, Figure 5-4 “Servers”, WorkflowView™, Users Guide).

Claims 9, 26, 41, 58 and 75

The rejection of base claims and intervening claims is incorporated. HPL further discloses *wherein said output object is programmable to provide said output data to an executable program* (see at least Figure 5-4 and related discussion in the manual, WorkflowView™, Users Guide).

Claims 10, 12, 27, 29, 42, 44, 59, 61, 76 and 78

The rejection of base claims and intervening claims is incorporated. HPL further discloses *wherein said output object is programmable to provide said output data to an executable program, and launch said executable program* (see at least Figure 5-4 and related discussion in the manual, WorkflowView™, Users Guide).

Claims 13, 63 and 80

The rejection of the base claim is incorporated. HPL further discloses *wherein one of said plurality of objects performs an interactively alterable switch function for directing data flow within said workflow* (see at least Figure 4-6, WorkflowView™, Users Guide; Figure 20-3, Switch Engine, User Manual).

Claims 15, 32, 47, and 82

The rejection of the base claim is incorporated. HPL further discloses *wherein one of said plurality of objects facilitates assigning a name to a selected input port of another one of said plurality of objects so that data may be provided directly to said input port* (see at least WorkflowView™, Users Guide, section 5.2, “Setting External Input/Output Engine Properties).

Claims 30, 45, 62 and 79

The rejection of the base claim is incorporated. HPL further discloses *wherein one of said plurality of objects has at least one interactively alterable operation parameter* (see at least Figure 5-2: Example of Display Properties Page Window; WorkflowView™, Users Guide, section 5.1.1).

Claims 50 and 66

Since claims 50 and 66 recite a software development tool employing the same workflow means for displaying of the tool recited in claim 20, the same rejection is applied. HPL further discloses *wherein at least one of said plurality of objects facilitates assigning a name to a selected input port of another one of said plurality of objects so that data may be provided directly to said input port* (see at least WorkflowView™, Users Guide, section 5.2, “Setting External Input/Output Engine Properties).

Claim 51

The rejection of base claim 50 is incorporated. HPL further discloses *wherein said data is provided by a user indicating a container for said data through a string command to execute said user interactive program* (see at least Figure 4-11, WorkflowView™, Users Guide).

Claim 52

The rejection of base claim 50 is incorporated. HPL further discloses wherein said data is provided by another computer program by indicating a container for said data through a string command to execute said user interactive program (see at least Figure 4-11, WorkflowView™, Users Guide).

Claim Rejections – 35 USC § 103

7. The following is a quotation of the 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14, 16, 31, 33-35, 46, 48-49, 64-65, 68-69 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuristic Physics Laboratories, Inc.'s WorkflowView™, Users Guide in view of Heuristic Physics Laboratories, Inc.'s Switch Engine, User Manual.

Claim 34

Since claim 34 recites all of the features of claim 1, claim 34 is also rejected for the same reason. HPL' WorkflowView™, Users Guide does not specifically disclose *wherein at least one of said plurality of objects performs an interactively alterable switch function for directing data flow within said user interactive program*. However, HPL's Switch Engine, User Manual teaches this feature at pp. 4-7. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine HPL's teaching in the Switch Engine manual with that of the WorkflowView™ because the combination would make the HPL's software development package more interactive and user friendlier.

Claims 35 and 49

Since claims 35 and 49 recite a software development tool employing the same workflow means for displaying of the tool recited in claim 20, the same rejection is applied. HPL' WorkflowView™, Users Guide does not specifically disclose *wherein at least one of said plurality of objects facilitates branch processing according to a user indicated selection from displayed information generated by said user interactive program*. However, HPL's Conditional Execution Engine, User Manual teaches this feature at pp. 4-8. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine HPL's teaching in the Conditional Execution Engine manual with that of the WorkflowView™ because the combination would make the HPL's software development package more interactive and user friendlier.

Claims 67 and 83

Since claims 50 and 66 recite a software development tool employing the same workflow means for displaying of the tool recited in claim 1, the same rejection is

applied. HPL' WorkflowView™, Users Guide does not specifically disclose *wherein at least one of said plurality of objects prompts a user for input when a condition is met while executing said user interactive program*. However, HPL's Conditional Execution Engine, User Manual teaches this feature in Figure 23-1. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine HPL's teaching in the Conditional Execution Engine manual with that of the WorkflowView™ because the combination would make the HPL's software development package more interactive and user friendlier.

Claims 14, 31, 46, 64 and 81

The rejection of the base claim is incorporated. HPL' WorkflowView™, Users Guide does not specifically disclose *wherein one of said plurality of objects facilitates branch processing according to a user indicated selection from displayed information generated by said user interactive program*. However, HPL's Conditional Execution Engine, User Manual teaches this feature at pp. 4-8. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine HPL's teaching in the Conditional Execution Engine manual with that of the WorkflowView™ because the combination would make the HPL's software development package more interactive and user friendlier.

Claims 16, 33, 48 and 65

The rejection of the base claim is incorporated. HPL' WorkflowView™, Users Guide does not specifically disclose *wherein one of said plurality of objects prompts a user for input when a condition is met while executing said user interactive program*. However, HPL's Conditional Execution Engine, User Manual teaches this feature at least in Figure 23-1. It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to combine HPL's teaching in the Conditional Execution Engine manual with that of the WorkflowView™ because the combination would make the HPL's software development package more interactive and user friendlier.

Claim 68

The rejection of base claim 67 is incorporated. HPL' WorkflowView™, Users Guide does not specifically disclose *wherein another of said plurality of objects is a condition object facilitating interactive specification of said condition*. However, HPL's Conditional Execution Engine, User Manual teaches this feature at least in Figure 23-3: Conditional Execution Engine Workflow Usage). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine HPL's teaching in the Conditional Execution Engine manual with that of the WorkflowView™ because the combination would make the HPL's software development package more interactive and user friendlier.

Claim 69

The rejection of base claim 67 is incorporated. HPL' WorkflowView™, Users Guide does not specifically disclose *means for developing a user interactive program such that a properties page associated with said condition object and facilitating interactive specification of said condition is displayable to a user prior to execution of said user interactive program*. However, HPL's Conditional Execution Engine, User Manual teaches this feature at least in Figure 23-3: Conditional Execution Engine Workflow Usage). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine HPL's teaching in the Conditional Execution Engine manual with that of the WorkflowView™ because the combination would make the HPL's software development package more interactive and user friendlier.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 6:45 – 16:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

Art Unit 2122

November 5, 2004